

AN ACT

relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that in the interest of the continued vitality and economic prosperity of this state, the Texas Commission on Environmental Quality, because of its technical expertise and experience in processing air quality permit applications, is the preferred permitting authority for emissions of greenhouse gases.

SECTION 2. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.05102 to read as follows:

Sec. 382.05102. PERMITTING AUTHORITY OF COMMISSION; GREENHOUSE GAS EMISSIONS. (a) In this section, "greenhouse gas emissions" means emissions of:

- (1) carbon dioxide;
- (2) methane;
- (3) nitrous oxide;
- (4) hydrofluorocarbons;
- (5) perfluorocarbons; and
- (6) sulfur hexafluoride.

(b) To the extent that greenhouse gas emissions require authorization under federal law, the commission may authorize greenhouse gas emissions in a manner consistent with Section

1 382.051.

2 (c) The commission shall:

3 (1) adopt rules to implement this section, including
4 rules specifying the procedures to transition to review by the
5 commission any applications pending with the United States
6 Environmental Protection Agency for approval under 40 C.F.R.
7 Section 52.2305; and

8 (2) prepare and submit appropriate federal program
9 revisions to the United States Environmental Protection Agency for
10 approval.

11 (d) The permit processes authorized by this section are not
12 subject to the requirements relating to a contested case hearing
13 under this chapter, Chapter 5, Water Code, or Subchapters C-G,
14 Chapter 2001, Government Code.

15 (e) If authorization to emit greenhouse gas emissions is no
16 longer required under federal law, the commission shall:

17 (1) repeal the rules adopted under Subsection (c); and

18 (2) prepare and submit appropriate federal program
19 revisions to the United States Environmental Protection Agency for
20 approval.

21 SECTION 3. Section 382.0621, Health and Safety Code, is
22 amended by adding Subsection (f) to read as follows:

23 (f) The commission may impose fees for emissions of
24 greenhouse gas only to the extent the fees are necessary to cover
25 the commission's additional reasonably necessary direct costs of
26 implementing Section 382.05102.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 788 was passed by the House on April 19, 2013, by the following vote: Yeas 114, Nays 23, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 788 on May 20, 2013, by the following vote: Yeas 139, Nays 5, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 788 was passed by the Senate, with amendments, on May 17, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor